

**What all Licensees need to  
know about changes in  
Scottish Alcohol Licensing  
Laws**

*The Licensing (Scotland) Act  
2005*

Dear Licensee,

The Scottish Government has produced this pack to give you, a Scottish licensee, an introduction to the Licensing (Scotland) Act 2005 so you are prepared for the upcoming changes in licensing laws. This is the first major overhaul of licensing laws in 30 years. The Act will be fully implemented on 1 September 2009 but you will need to take action before that if you sell alcohol.

The Licensing (Scotland) Act 2005 aims to help address the problems created by alcohol misuse and tackle Scotland's drinking culture to create a better environment for everyone. While the new Act will be a major change, it is a change for the better.

This pack will take you through:

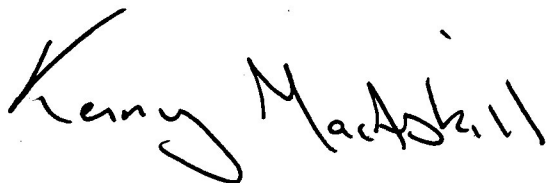
- key facts about the Act
- countdown to application
- some frequently asked questions
- specimens of the new personal and premises licence application forms (within the premises licence application you will see that there are requirements for operating plans and layout information in respect of your premises)

The enclosed specimen forms will give you the opportunity to practice completing your application. However, you should check with your Licensing Board for the form you need for your formal application in case the Licensing Board puts a unique identification number on the forms they send to you.

You can also visit the following website, [www.infoscotland.com/licensingact](http://www.infoscotland.com/licensingact), for some further information as well as a PDF of this pack for you to download should you want more specimen forms to practice on.

I hope you find the information contained within this pack useful and helpful, but if you do have any further questions then please contact your local Licensing Board.

Yours faithfully,



Kenny MacAskill MSP  
Cabinet Secretary for Justice

## KEY FACTS ABOUT THE LICENSING (SCOTLAND) ACT 2005

The first major overhaul of Scotland's licensing laws in 30 years, the Licensing (Scotland) Act 2005 focuses on five licensing objectives:

- Preventing crime and disorder
- Securing public safety
- Preventing public nuisance
- Protecting and improving public health
- Protecting children from harm

The key facts of the Act are:

- It will affect the majority of outlets where alcohol is sold
- All current licence categories (and Registered Clubs) will be replaced with a single premises licence and a personal licence
- To continue to trade you will need to apply for, and be granted, a premises licence
- You will need to submit an operating plan and layout plan with your premises licence application form
- There will be a 'premises by premises' approach to opening hours (set by the Licensing Board)
- Once granted, a premises licence will remain in effect until the licence is surrendered or revoked, or the licensed premises cease to be used for the sale of alcohol
- A personal licence will last for 10 years unless surrendered or revoked
- To be eligible for a personal licence, an applicant must be aged 18 or over and hold a licensing qualification accredited by the Scottish Qualifications Authority
- A personal licence is issued to an individual by a Licensing Board, is non transferable, and authorises the individual to authorise the sale of alcohol
- All staff that sell alcohol (or serve it for consumption on the premises) must be trained by the commencement of the Act, which comes fully into effect at 5.00am on 1 September 2009

## COUNTDOWN TO APPLICATION

### **The countdown has begun:**

- Transitional period for the new Act starts on 1 February 2008
- New premises licences will come into effect from 5.00am on 1 September 2009

### **Premises Licence**

#### **Key dates for applying for a premises licence:**

Licensing Boards will direct you to one of four dates by which you will need to apply for your premises licence if you want to take advantage of certain transitional rights. These dates are determined by the month your current licence would have expired.

Where that expiry date:

- a) is in March of any year, the final date for submitting your premises licence application form is 7 March 2008
- b) is in June of any year, the final date for submitting your premises licence application form is 6 June 2008
- c) is in October of any year, the final date for submitting your premises licence application form is 3 October 2008
- d) is in January of any year, the final date for submitting your premises licence application form is 16 January 2009

#### **What you need to remember...**

##### **For the premises licence you will need to provide:**

- A completed premises licence application form
- A completed operating plan
- A completed layout plan
- The appropriate application fee

### **Personal Licence**

#### **Key date for applying for a personal licence**

You can apply to your Licensing Board from 1 February 2008. The new Personal Licence Holder's qualification, which includes training on licensing law, alcohol and the environment in licensed premises, is available now.

#### **What you need to remember...**

##### **For a personal licence you will need to provide:**

- A completed personal licence application form
- Evidence of licensing qualification
- Two photographs – one with a statement on the back certifying that the photograph is that of the applicant, signed by a person of standing in the community
- The appropriate application fee

You must be at least 18 years of age, and be ordinarily resident in the area of the Licensing Board which will consider your application for a personal licence (unless you are not resident in the area of any Board, in which case an application can be made to any Board in Scotland).

# **FREQUENTLY ASKED QUESTIONS**

## FREQUENTLY ASKED QUESTIONS

### Q - When does the new licensing Act come fully into effect?

A - The Licensing (Scotland) Act 2005 comes fully into effect at 5.00am on 1 September 2009. The transition process to gain a new licence starts on 1 February 2008. Transitional arrangements allow Licensing Boards to carry out a phased approach to deal with premises licence applications under the new Act.

### Q - When will I need to apply for my 2005 Act premises licence?

A - You will need to apply for your new licence by a set date if you want to take advantage of certain transitional rights. There are four set dates as mentioned below. The date which is relevant to your premises depends on the expiry **month** of your 1976 Act licence (your present licence). The expiry **year** of your 1976 Act licence is irrelevant.

Licensing Boards will direct you to one of four dates by which you will need to apply for your premises licence. The dates are:

- 7 March 2008
- 6 June 2008
- 3 October 2008
- 16 January 2009

If your licence expires in March of any year you must have your application, operating plan and layout plan with the Licensing Board by **7 March 2008**.

If your licence expires in June of any year you must have your application, operating plan and layout plan with the Licensing Board by **6 June 2008**.

If your licence expires in October of any year you must have your application, operating plan and layout plan with the Licensing Board by **3 October 2008**.

If your licence expires in January of any year you must have your application, operating plan and layout plan with the Licensing Board by **16 January 2009**.

### Q - What happens if I do not submit my application for a premises licence on time?

A - If you do not submit your application on time you will lose your “grandfather rights”. This means you will not be entitled to be exempt from overprovision assessments during the transitional period, nor will you be exempt from the requirement to provide building standards, planning and food hygiene certificates. Any licensee wishing to trade from 1 September 2009 must apply for a premises licence no later than 28 February 2009. Should you fail to submit your application by then, Licensing Boards are under no obligation to process late applications in time to enable trading from 1 September 2009.

### Q - What are the key differences between a 1976 Act licence and a 2005 Act premises licence?

A - There will no longer be seven types of licence. All premises will need a premises licence and will need to prepare an operating plan and a layout plan. Premises must operate in accordance with their operating plan.

**Q - Under the new Act, what is the duration of a premises licences? Is there a need to re-apply every year or every three years as at present?**

A - There is no requirement to renew a premises licence. The licence application is a one-off and if the way you operate remains the same, there will be no requirement to submit a further application. The licence will take effect on such date as the Licensing Board issuing it determines and would only cease to have effect if:

- the premises licence is revoked by the Licensing Board
- the premises cease to be used for the sale of alcohol
- the premises licence holder dies or becomes incapable (transfer of licence can be considered by your Board)
- the premises licence holder becomes insolvent (transfer of licence can be considered by your Board)
- the premises licence holder, being a partnership or a company, is dissolved (transfer of licence can be considered by your Board)
- the Licensing Board receives notification from the premises licence holder that they have surrendered their licence
- the annual fee is not submitted

**Q - During what hours will premises be allowed to serve alcohol?**

A - When applying for a premises licence you will complete an operating plan, which lists the hours during which you wish to sell alcohol. The Licensing Board will consider the application and may approve the hours (or grant different hours) in line with its general licensing policy.

Off-trade licensed premises will only be allowed to sell alcohol for consumption off the premises between 10am and 10pm. You may, of course, wish to apply for different hours between these times. Licensing Boards may further modify off-sale hours in line with their general policy.

**Q - Are there mandatory conditions attached to a premises licence?**

A - Yes. You will need to operate your premises in line with a number of mandatory conditions. Failure to do so will lead to the Licensing Board reviewing your licence. The mandatory conditions include:

- alcohol is to be sold on the premises only in accordance with the operating plan
- alcohol is not to be sold where there is no premises manager, or the premises manager does not hold a valid personal licence
- no person is to sell alcohol before they receive appropriate training and a record must be kept on the premises of that training
- where the price at which any alcohol sold on the premises is varied: - the variation may be brought into effect only at the beginning of a period of licensed hours and no further variation of the price at which that, or any other alcohol, is sold on the premises may be brought into effect before the expiry of the period of 72 hours beginning with the coming into effect of the earlier price variation
- irresponsible drinks promotions must not be undertaken
- all premises must display a notice where alcohol is sold which sets out the offences relating to the purchase of alcohol by and /or for a person under the age of 18
- fees for your licence must be paid
- off-sales premises must have one separate alcohol display area. The only non-alcohol products that may be displayed in this area are soft drinks, or products packaged and sold with alcohol. Alternatively, or in addition, the premises can have a further display area that is inaccessible to the public (e.g. the area behind the counter) where alcohol may be displayed alongside other products
- on-sales premises must provide tap water fit for drinking free of charge and other non alcoholic drinks must be available at a reasonable price
- where on-sales premises allow access to the under-5s, baby changing facilities must be available
- an on-sales premises is to display a notice at the entrance with regard to their policy for allowing those under 18 entrance to their premises
- all premises open after 1am will require a first aider on the premises

- further conditions apply to premises which are open after 1am, depending upon the number of people the premises can hold and the type of entertainment provided

The mandatory conditions specific to a members' club are that it is not conducted for the purposes of making a profit and it has a written constitution and rules, which include:

- that the business of the club is to be under the management of a committee or other governing body elected by the members of the club
- the club has to have at least 25 members
- correct accounts and books are to be kept showing the financial affairs of the club
- no person under 18 is to be admitted as a member of the club (unless the club is devoted primarily to some sporting purpose or is a students' union)
- no member of the committee or other governing body and no person employed by the club is to have any personal interest in the sale of alcohol on the club premises or in the profits arising from such sale
- other than when an occasional licence has effect, no person is to be supplied with alcohol on the club premises unless that person is a member of the club
- nobody is allowed in a club's licensed area unless they are invited and accompanied by a club member or another affiliated club member
- where a person is on the premises at the invitation of a member of the club and is supplied with alcohol on club premises, they must be entered into a guests book with the following information: the date; the name and address of the guest; and the name of the member accompanying the person
- no person is to be allowed honorary or temporary membership of the club or to be charged a fee except to allow temporary participation in the activity which is the prime purpose of the club; such exemptions must be set out in the club rules

Clubs which are designated under the Licensing (Clubs) (Scotland) Regulations 2007 are exempt from the mandatory condition set out in paragraph 5 of schedule 3 to the Act, which requires alcohol sales to be authorised by a personal licence holder. They are also exempt from the same requirement in respect of occasional licences set out in paragraph 4 of schedule 4 to the Act, otherwise the majority of mandatory conditions will apply.

There may also be additional conditions applied by Licensing Boards in addition to the mandatory conditions given above.

The conditions that apply to the premises licence for your premises will be shown on the licence.

**Q - How will requests for an extension to licensing hours be handled for one-off events?**

A - Occasional extensions can still be applied for through your local Licensing Board. However, should the event for which you need the occasional extension occur on a regular basis, for example New Year, you may wish to include the request for extra hours on those days in your operating plan. This will save the expense of needing to apply every year for the same extensions.

Off-sales will not be allowed to apply for additional hours outwith the hours of 10.00am to 10.00pm.

**Q - Is it possible to vary the terms of a premises licence?**

A - Yes. The premises licence holder will need to apply to the Licensing Board if the licence holder wishes to vary their licence. For example, a variation would be required to cover any change to licensed hours to cover regular or special events. However, if at the time of application for a licence, the licence holder wishes to have different opening hours to allow for certain special events during the year, that information can be included in the operating plan. An application can be made to the Licensing Board to vary any of the following:

- the licensing conditions (except mandatory conditions)
- information contained within the operating plan



- the layout plan
- to substitute a new Premises Manager

There is also a duty on a premises licence holder to notify the Licensing Board in relation to any change in the licence holder's name and/or address, or the name and/or address of the Premises Manager.

**Q - Is it possible to apply for a provisional premises licence in relation to a premises which is in the process of being built or converted?**

A - Yes. An application for the provisional grant of a new licence may be made to your local Licensing Board on the basis of detailed plans and subject to the production of certificates required in relation to planning, building control and food hygiene. Where the application is granted and the premises are completed in accordance with the approved plans, the provisional grant is converted to a licence "in force" by an application for "finalisation".

**Q - What will the operating plan need to contain?**

A - There is a standard template for the operating plan. A specimen form is included in this pack. The operating plan must contain:

- a description of the activities to be carried out on the premises
- a statement of times during which it is proposed alcohol be sold on the premises, including occasional extensions
- details of whether the alcohol is to be sold for consumption on or off the premises, or both
- information about the individual who is to be the Premises Manager, other information in relation to the premises and the activities to be carried out as set out in your application form
- The operating plan must be specific to what you do on your premises.

**Q - What will the layout plan need to contain?**

A - There is a requirement under the Act to provide a layout plan of your premises that will accompany your application for a premises licence. The content required in a layout plan is specified in the Premises Licence (Scotland) Regulations 2007 and a relevant extract from this is on page 36 of this information pack.

You will wish to consider whether you will need professional support to complete the layout plan for your premises.

**Q - Can anyone object to a premises licence application that has been lodged with a Licensing Board for consideration?**

A - Yes. When a premises licence application is made to a Licensing Board, any person by notice to the Licensing Board can object to the application and also make representations to the Board concerning the licensing application.

The Act also allows anyone to object or make representations in relation to applications for a major variation of a premises licence and an application for an occasional premises licence.

It is also possible for anyone, at any time, to raise an objection regarding an existing premises licence. Anyone can make representations, including statements of support, to the Board concerning an application for a premises licence and can also make representation if they were not satisfied with a condition of licence set by the Licensing Board or may wish to make representation to request a modification of a licence.

**Q - What will be the grounds of refusal for a premises licence?**

A - The grounds for refusal are:

- Licensing Boards are required to refuse licences where there is overprovision. During transition (if you presently hold a licence), you are able to avoid this as long as you wish to continue to trade in substantially the same manner, for example, keeping substantially the same size of premises, hours of operation and the entertainment provided, and apply by the deadlines set out on page 4
- where the premises are 'excluded' premises (e.g. garage forecourt)
- when granting a licence would be inconsistent with one or more of the licensing objectives: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; protecting children from harm
- when the premises are unsuitable for use for the sale of alcohol having regard to: nature of activities proposed, location, character and conditions of premises, the persons likely to frequent the premises

**Q - Can a premises licence be reviewed?**

A - Yes. Any person can apply to the Licensing Board to seek a review of a premises licence. The grounds for review are that:

- one or more of the conditions of licence have been breached
- any other ground relevant to one or more of the licensing objectives

If a review application does not provide information relevant to any ground for review, or if it is vexatious or frivolous, the Board will reject the application for review.

Should a Licensing Standards Officer (LSO) discover that a premises is not adhering to its operating plan, or not complying with condition of licence, the LSO will raise his/her concerns with the Board. The LSO will be on hand to provide advice and guidance on the new legislation and will aim to help and support licensees to address issues. However, in cases where the licensee has not taken appropriate action to remedy a particular problem, the LSO can apply for the licence to be reviewed.

**Q - Under the current licensing regime, applicants are required to notify every occupier of premises situated in the same building of their proposed application. Will this remain the case?**

A - No. Under the new licensing system the notification procedure will be the responsibility of Licensing Boards. During the transition period, Licensing Boards will notify all occupants within four metres in any direction of the premises boundary shown in the application.

**Q - Can a premises licence be transferred?**

A - Yes. The licence holder is required to apply to the Licensing Board to apply to transfer the licence. A copy of the licence application is sent to the police, who have 21 days to report back to the Board. In the event that the licence holder is deceased or has become insolvent then the person who is seeking to take over the licence can submit the application.

**Q - Are children allowed access to on-trade licensed premises?**

A - The Act requires licensees to apply for such access. If there is a wish to allow children into the premises and bar area, this would have to be stated on the operating plan when applying for a premises licence.

### **Q - What is a personal licence?**

A - A personal licence allows an individual to authorise the sale of alcohol. This licence lasts for 10 years and can be used across Scotland. To hold a personal licence you need to be 18 years old or over and possess a licensing qualification.

It is the responsibility of the licence holder to notify their local Board of any change of name and/or address and provide notice if they are convicted of a relevant offence. It is an offence to apply for another personal licence if you already hold one.

To consider your training options you should contact the Scottish Qualifications Authority, which will be able to provide you with details of accredited training providers that can offer the Personal Licence Holder qualification.

Licensing Boards can take action against the holder of a personal licence if they are acting against the licensing objectives. The Board can endorse a personal licence or, if they believe necessary, suspend or revoke the licence.

### **Q - Who grants a personal licence?**

A - Personal licences are granted by Licensing Boards. Once you have gained your qualification you can apply to your local Licensing Board who will consider your application.

As part of the application process, Boards will notify the police and send them a copy of your application. The police will advise the Board if applicants have any relevant or foreign convictions. The Board will then consider the application.

The Act places a duty on an applicant for a personal licence to notify the Licensing Board if he or she has been convicted of any relevant offence or foreign offence during the time between making the application and the application being determined by the Licensing Board.

### **Q - Who requires training under the Act?**

A - The Act and regulations set out a range of mandatory training requirements applicable to:

- Licensing Board members
- Licensing Standards Officers
- personal licence holders
- staff serving alcohol

### **Q - What are the training requirements for personal licence holders?**

A - The requirements for training of personal licence holders are set out in the Licensing Qualification (Scotland) Regulations 2007 (SSI/2007/98) and the Licensing (Amendments) (Scotland) Regulations 2007 (SSI/2007/313). These Regulations can be viewed by accessing the following links:

- <http://www.opsi.gov.uk/legislation/scotland/ssi2007/20070098.htm>
- <http://www.opsi.gov.uk/legislation/scotland/ssi2007/20070313.htm>

To be eligible for a personal licence, the Act requires that an applicant must hold a “licensing qualification”. A licensing qualification is one that has been accredited by the Scottish Qualifications Authority.

The mandatory areas which the qualification must cover are:

1. Introduction to licensing;
2. Responsible operation of licensed premises; and
3. Effect of irresponsible operation on society and health

**Q - What are the training requirements for staff serving alcohol?**

A - All staff serving alcohol must undertake the mandatory training required in terms of schedule 3 to the Act; the detail of which is set down by the Licensing (Training of Staff)(Scotland) Regulations 2007 and can be viewed at page 15 of this pack, or alternatively can be viewed by accessing the following link: <http://www.opsi.gov.uk/legislation/scotland/ssi2007/20070397.htm>

**Q - Does this apply to part time and casual staff?**

A - Yes. The training requirements apply to all staff serving or selling alcohol.

**Q - Does this apply to staff in members' clubs?**

A - Yes. The training requirements of the Act apply to all licensed premises.

**Q - Who can provide the training for staff?**

A - Training for staff can be provided in-house or by a training provider. The regulations provide that a person who holds a personal licence can provide training for staff (for example, premises managers can train their own staff). There are also accredited training providers offering training within the terms of the Act and regulations.

**Q - How will the training of staff be monitored?**

A - It is a mandatory requirement, set out in the Licensing (Mandatory Conditions No. 2) (Scotland) Regulations 2007, that all licensed premises keep and maintain on the premises, whilst a staff member is working there, a record of training undertaken by that person.

The form of the training record is set out in the regulations, viewed by accessing the following link: [http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi\\_20070546\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070546_en_1)

- the form requires to be signed by the trainee and the person providing the training
- failure to comply with the training requirements for staff would be a breach of the premises licence

These records may be inspected by the Licensing Standards Officer.

**Q - How soon do staff need to be trained?**

A - All staff working in licensed premises must be trained by 1 September 2009. Any new staff employed after this date must be trained before they can sell or serve alcohol. Therefore, we would advise licensees to consider their training requirements now.

**Q - How much will it cost for a premises and personal licence and how is the money from licensing fees spent?**

A - The Licensing (Fees) (Scotland) Regulations 2007 give flexibility to Licensing Boards to set premises licence application fees and premises licence annual fees, up to capped amounts. The fee payable in respect of an application for a personal licence is £50.00. The full details can be viewed by accessing the following link: [http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi\\_20070553\\_en\\_1](http://www.opsi.gov.uk/legislation/scotland/ssi2007/ssi_20070553_en_1)

The funds received by Licensing Boards are used to fund the licensing system including the costs of Licensing Standards Officers.

**Q - What role will the police undertake to enforce the new laws?**

A - The police may at any time enter and inspect any licensed premises. This is a change from the present position in respect of clubs, where previously the police could only enter on the invitation of the members or if they had a warrant. The enforcement of the new licensing laws will continue to be carried out by the police. Licensing Standards Officers have powers to enter the premises at any time to inspect the premises and or any substances, articles or documents found on site as the officer thinks necessary.

**Q - What are relevant offences?**

A - Relevant offences are offences which a Board will take into consideration when determining an applicant's suitability to hold either a premises or personal licence.

Where Licensing Boards are notified that a licence holder has been convicted of a relevant offence the Board must review that licence. The Board will wish to consider whether or not a sanction is appropriate.

**Q - What are Local Licensing Forums?**

A - All councils are required to establish a Local Licensing Forum for their area.

The role of the Forum is to keep under review the operation of the licensing system in their area and to give advice and recommendations to the Licensing Board. This does not include reviewing or offering advice or recommendations in relation to any particular application or case before the Board.

**Q - Can anyone join a Local Licensing Forum?**

A - Yes. However, a council must seek to ensure that the membership is representative of the following (amongst others):

- holders of premises licences and personal licences
- Licensing Standards Officer
- the Chief Constable for the police area in which the Forum's area is situated
- persons having functions relating to health, education or social work
- young people
- persons resident within the Forum's area

**Q - How often do Local Licensing Forums meet?**

A - Forums must meet at least four times and have one joint meeting with the Licensing Board per year.

**Q - What are Licensing Standard Officers and what is their role?**

A - Each council will appoint at least one Licensing Standards Officer (LSO) to provide information and guidance for licensees.

LSOs will also supervise compliance with licence conditions, issue enforcement notices and act as intermediaries between licence holders and the general public to help resolve any disputes. LSOs will monitor premises and report breaches of licence conditions to the Licensing Board.

**Q - How will the Act deliver on its five licensing objectives: preventing crime and disorder; securing public safety; preventing public nuisance; protecting and improving public health; protecting children from harm?**

A - The Act introduces a range of measures that together aim to reduce the adverse impact drinking has on society. For example:

- a premises licence will be refused if the application is deemed inconsistent with one or more of the licensing objectives
- the banning of 'irresponsible promotional activities' in both on- and off-sales, such as 'happy hours', and other promotions, like 'two-for-ones', which encourage binge and speed drinking
- drink prices fixed for a minimum of 72 hours in on- and off-sales premises

Where there is doubt as to whether a person attempting to buy alcohol is aged 18 or over, alcohol will not be sold to the person except on production of evidence showing the person to be 18 or over. The acceptable forms of proof of age are:

- Passport
- European Union Driving Licence
- PASS accredited cards, for example the Young Scot National Entitlement Card

**Q - What is test purchasing?**

A - Test purchasing is used to crack down on premises that sell alcohol to under 18s. Test purchasing involves the police sending under 18s into licensed premises to attempt to purchase alcohol. In the event that the server fails the test by carrying out the sale of alcohol to the test purchaser, the police will prepare a report for submission to the Procurator Fiscal and the Licensing Board.

**Q - Will garage forecourts be able to sell alcohol under the new Act?**

A - Under the Act, there is a presumption against allowing garage forecourts to sell alcohol. The Act allows Licensing Boards to grant a licence to garage forecourt shops if the local community is (or is likely to become) reliant on the premises as a principal source of either fuel or groceries. The effect of this exemption is not limited to rural areas, as there may be instances in urban or other areas where the community is reliant on the premises as their local shop.

**Q - Where can I obtain copies of premises or personal application forms?**

A - Your local Licensing Board will be able to supply you with additional forms. Specimen premises licence and personal licence application forms are included in this pack to practice on. If you need more, visit [www.infoscotland.com/licensingact](http://www.infoscotland.com/licensingact) where you will find a copy of this information pack and specimen forms to download.

**Q - Who should I speak to if I have more questions?**

A - Contact your local Licensing Board. If you don't already have the contact details, then speak to your Local Authority who will be able to tell you the best person to get in touch with.

## **TRAINING OF STAFF MATTERS TO BE COVERED**

While the regulations set the mandatory list of matters that the training of staff must cover, which is provided below, the actual content and method of delivery of any training provided is a matter for the licensed trade to develop themselves. This is applicable when training is provided either "in-house" by a personal licence holder, or, where external training organisations are used, by that training organisation.

1. The legal basis of the requirement for the training of staff under paragraph 6 of schedule 3 to the Act
2. The licensing objective
3. The definition of "alcohol" in the Act
4. What constitutes an unlicensed sale
5. The functions of Licensing Standards Officers, including their powers of entry
6. The nature of an operating plan and its place in the licensing system
7. The different types of premises licence conditions under section 27 of the Act
8. Special provision for clubs under section 125 of the Act
9. Licensed hours under Part 5 of the Act
10. Offences under the Act, particularly those involving persons under the age of 18
11. Proof of age under sections 102 and 108 of the Act and the Sale of Alcohol to Children and Young Persons (Scotland) Regulations 2007
12. Test purchasing of alcohol under section 105(2) of the Act
13. Best practice as regards standards of service and refusing service
14. Units of alcohol and the relationship between units and the strength of different alcoholic drinks
15. The sensible drinking limits for males and females recommended by the British Medical Association
16. Good practice in managing conflict situations

**GUIDANCE NOTES FOR PREMISES  
LICENCE APPLICATION FORMS  
(INCLUDING OPERATING PLANS)**



# **GUIDANCE FOR APPLICANTS ON COMPLETION OF APPLICATION FORMS AND OPERATING PLANS FOR PREMISES LICENCES**

A specimen application form and operating plan can be downloaded from the following website address:

<http://www.infoscotland.com/licensingact>

These specimen forms can be used to practice completing your application.

However, applicants should contact their relevant Licensing Board with a view to obtaining official documentation for the purposes of the application to the Board.

## **APPLICATION FORM**

### **GENERAL**

The application form may be scanned for computer purposes and should be completed in typescript or in block capitals using BLACK ink. Applicants may wish to contact their relevant Licensing Board to determine whether or not that Board will accept electronic transmission of the application form and operating plan.

All writing should be contained within the BOXES where these are provided.

Where YES/NO answers are required, the non-applicable answer should be crossed out in BLACK ink.

The extent to which questions should be answered will be proportionate to the complexity or otherwise of the use to which the premises are to be subjected. For example, comparatively fewer details may be required for an applicant who intends to sell alcohol for off consumption in a village store, as opposed to other premises which may have many different uses.

Any person, other than an individual under the age of 18, may apply to the appropriate Licensing Board for a premises licence in respect of any premises.

[Licensing (Scotland) Act 2005, s.20(1)]

Note - Those applicants who hold a 1976 Act licence and are applying for the limited grandfather rights available, and meet the eligibility criteria established by The Licensing (Transitional and Savings Provisions) (Scotland) Order 2007 (SSI 2007/454)\*, are exempt from the requirements to produce any certificates required by section 50 (1) or (2) of the Act.

\*[http://www.legislation.gov.uk/legislation/scotland/ssi2007/ssi\\_20070454\\_en.pdf](http://www.legislation.gov.uk/legislation/scotland/ssi2007/ssi_20070454_en.pdf)

Those are:

- a planning certificate
- a building standards certificate
- if food is supplied on the premises a food hygiene certificate
- in the case where the application is for a provisional premises licence, a provisional planning certificate

## Questions 1 & 2

### Particulars of applicant

The full name and address, including postcode, of the premises to be licensed should be provided. In instances where an applicant has not decided on a name for premises at the time of application, this should be indicated.

Information supplied in response to question 2 may be used by the Chief Constable to identify whether or not the applicant (or any connected person<sup>1</sup> in a case where the applicant is not an individual – e.g. it is a company or partnership) has been convicted of a relevant offence or foreign offence.

In that respect, it is important that Licensing Boards are provided with the relevant information in each case.

### Question 3

#### Previous applications

Section 25(1), (2) and (3) of the Licensing (Scotland) Act 2005 makes certain provisions regarding refusals of earlier applications for premises licences under the Act. Where applicants or connected persons have had an earlier application or applications refused under the terms of the Act, details should be provided including the date(s) of earlier refusal(s), the premises to which refusal(s) applied, and the name of the Licensing Board which refused the application(s).

### Question 4

#### Previous convictions

Where the applicant (or connected persons) has been convicted of a relevant or foreign offence, details should be provided including the date of conviction, place of conviction, nature of offence and penalty. ‘Relevant offences’ are prescribed in The Licensing (Relevant Offences) (Scotland) Regulations 2007 (SSI 2007/513)\*. For the purposes of the Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purposes of the Rehabilitation of Offenders Act 1974 and details of such a conviction need not be provided. A “foreign offence” is defined in section 129(2) of the Act.

A conviction for a relevant or foreign offence does not prevent a person from applying for, or being granted a licence, but it is a matter to which Boards will have regard when determining a person’s suitability to hold a licence.

\*[http://www.legislation.gov.uk/legislation/scotland/ssi2007/ssi\\_20070513\\_en.pdf](http://www.legislation.gov.uk/legislation/scotland/ssi2007/ssi_20070513_en.pdf)

### Question 5

#### Description of premises

Applications should provide Boards with a clear indication of the type of operation that will be undertaken on the licensed premises (e.g. whether the premises will be run as a pub, off-sales, nightclub, mixed use premises, hotel, or restaurant etc.) having regard to the activities listed in the operating plan and matters shown in the layout plan. It will also be helpful if applications contain a description of the overall setting in which the premises are located and this should include the general area, for example, rural, urban or city centre location; whether detached, terraced, part of shopping mall etc; building solely occupied or shared.

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<sup>1</sup> “Connected person” is defined in section 147(3) of the Act

## **Question 6**

This question requires to be completed so Licensing Boards can identify those registered clubs that wish to benefit from the exemptions from the Licensing (Scotland) Act 2005 provided for in section 125 of that Act. In order to qualify for these exemptions, a club must meet the criteria set down in The Licensing (Clubs) (Scotland) Regulations 2007 (SSI 2007/76). The regulations can be viewed by accessing the following link: [http://www.legislation.gov.uk/legislation/scotland/ssi2007/ssi\\_20070076\\_en.pdf](http://www.legislation.gov.uk/legislation/scotland/ssi2007/ssi_20070076_en.pdf)

### **Declaration by applicant or agent on behalf of applicant**

The application form requires to be signed by the applicant for the premises licence, or the applicant's agent. An agent must confirm that the form is being signed in that capacity.

## **OPERATING PLAN**

### **Guidance notes for applicants on completion of operating plans**

The operating plan must accompany an application for a premises licence under section 20 of the Licensing (Scotland) Act 2005.

Compliance with the operating plan is a condition of the premises licence (Licensing (Scotland) Act 2005, section 27(1) and schedule 3, paragraphs 2(1) and 3).

#### **Question 1**

This question seeks to establish whether alcohol will be sold for consumption on the premises, off the premises, or both. This information is needed because the Act allows for different licensing hours for on-sales and off-sales where both are offered.

#### **Question 2**

This question requires a statement of CORE times when alcohol is being sold for consumption ON the premises. The table should be completed to show for each day, the time the premises will OPEN for the purposes of selling alcohol and the time when the premises will CLOSE for the purposes of selling alcohol (the terminal hour).

#### **Question 3**

This question requires a statement of CORE times when alcohol is being sold for consumption OFF the premises. The table should be completed to show for each day, the time the premises will OPEN for the purposes of selling alcohol and the time when the premises will CLOSE for the purposes of selling alcohol (the terminal hour).

Applicants should note that alcohol cannot be sold for consumption off the premises earlier than 10am or later than 10pm (Licensing (Scotland) Act 2005, section 65(3)).

#### **Question 4**

This question seeks to establish if the applicant intends to operate the premises continuously throughout the year or on a seasonal basis. Where the applicant intends to operate on a seasonal basis, details of when the premises will be open for business should be provided. This seeks to identify any occasions when occasional extensions to licensed hours may be required.

#### **Question 5**

This question deals with other activities or services which may be provided in addition to the sale of alcohol during core hours and outwith those core hours. Applicants should indicate what activities or services they intend to provide by confirming YES or NO in each of the categories given.

When completing this section, applicants should have regard to the contents of the Licensing (Scotland) Act 2005, section 23(5)(d), which establishes the grounds for refusal for a premises licence with regard to the nature of activities proposed to be carried on in the subject premises. Whilst section 20(4)(d) of the Act requires that the plan contains a statement of the times at which any other activities in addition to the sale of alcohol are to be carried on in the premises, the operating plans need not show the exact start and finish times of all activities listed in the plans.

The plans allow for a general statement to be made that the activities listed in the plan will take place during and/or outwith licensed hours.

In the case of off-sales premises, or mixed use premises which make sales of products other than alcohol, for example, newspapers, groceries etc. there is no requirement for these activities to be included within the operating plan, since any licence issued under the Act relates to licensing of alcohol.

## **Question 6**

### **Children and young persons**

For the purpose of this Act a “child” means a person under the age of 16 years and a “young person” means a person aged 16 or 17 years.

## **Question 7**

### **Capacity of premises**

Applicants are asked to confirm the proposed capacity of the premises they wish to be licensed. Any figure provided may be verified, for the purposes of overprovision, by or on behalf of the Licensing Board.

The recommendation of the National Licensing Forum, which was agreed by Ministers, is that, for the purposes of the overprovision assessment, determination of capacity of licensed premises should be undertaken by local authority building standards officers. It must be stressed that any capacity figure that is determined will only be used for the purposes of overprovision under the Licensing (Scotland) Act 2005 and for no other purposes. The definition of capacity for on-sales and off-sales is set out in section 147 of the Act.

Boards will be required to refuse applications for premises licences on the grounds of overprovision under section 23(5)(e) from the commencement of the transition period on 1 February 2008 where they have determined there is overprovision in any locality or localities within their areas. During the transition period, Boards will not be under a duty to provide a statement on overprovision in their policy statements.

Following commencement of section 7(1) of the Act on 1 September 2009, Boards will be under a duty to provide in their revised policy statement (due to be published in November 2010) a statement as to the extent to which a Board considers there to be overprovision of:

- Licensed premises; or
- Licensed premises of a particular description,

in any locality within the Board’s area.

## **Question 8**

### **Premises manager**

Where the application is for the grant of a provisional premises licence there is no requirement to complete this question (see Licensing (Scotland) Act 2005, section 45 (10) (b)).

An individual may not be the premises manager of more than one licensed premises at the same time. Accordingly, if an individual who is the premises manager of licensed premises is subsequently specified in the premises licence of another licensed premises as the manager of those other premises, the subsequent specification is of no effect (Licensing (Scotland) Act 2005, s.19 (2)).

Whilst the Act requires that operating plans must detail the name of the person who will be the premises manager, the plans may be submitted during the transition period without this information. However, where this information has not been provided by 1 September 2009, alcohol will not be able to be sold on the premises (paragraph 4(1)(a) of schedule 3 to the Act). If information as to the premises manager is not provided by 1 December 2009, the premises licence will be revoked.

**SPECIMEN PREMISES LICENCE  
APPLICATION FORM  
(INCLUDING OPERATING PLAN  
AND LAYOUT PLAN)**

# APPLICATION FOR PREMISES LICENCE/PROVISIONAL PREMISES LICENCE\*

\*Delete as appropriate

Licensing (Scotland) Act 2005, section 20

**APPLICANT INFORMATION** *Licensing (Scotland) Act 2005, section 20(1)*

## **Question 1**

*Name, address and postcode of premises to be licensed.*

## **Question 2**

*Particulars of applicant*

2(a) *Where applicant is an individual, provide full name, date and place of birth, and home address including postcode.*

2(b) *Where applicant is a partnership, please provide full name, and postal address of partnership.*

2(c) *Where applicant is a company, please provide name, registered office and company registration number.*

2(d) *Where the applicant is a club or other body, please provide full name, and postal address of club or other body.*

2(e) *Where applicant is a partnership, company, club or other body, please provide the names, dates and places of birth, and home addresses of connected persons.\**

**\* Connected person is defined in section 147(3) of the Licensing (Scotland) Act 2005**

**Question 3**

*Previous applications*

3 *Has the applicant been refused a premises licence under section 23 of the Licensing (Scotland) Act 2005 in respect of the same premises? YES/NO\**

*If YES – provide full details*



**Question 4**

*Previous convictions*

4 <i>Has the applicant or any connected person ever been convicted of a relevant or foreign offence (2)</i>	YES/NO*
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*\*If YES – provide full details*

*For the purpose of this Act, a conviction for a relevant offence or foreign offence is to be disregarded if it is spent for the purpose of the Rehabilitation of Offenders Act 1974*

<i>Name position &amp; (if applicable)</i>	<i>Date of conviction or sentence</i>	<i>Court</i>	<i>Offence</i>	<i>Penalty</i>

**DESCRIPTION OF PREMISES** *Licensing (Scotland) Act 2005, section 20(2)(a)*

**Question 5**

5 *Description of premises (where application is submitted by a members' club, please also complete question 6)*

<i>SPECIMEN</i>
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(2) In addition to any convictions held by the applicant at the time of application, applicants should also familiarise themselves with the contents of section 24(1) of the Licensing (Scotland) Act 2005 in respect of any convictions for relevant or foreign offences which they may receive during the period beginning with the making of the premises licence application and ending with determination of the application.

**Question 6**

6 To be completed by members' clubs only

<i>Do the club's constitution and rules conform to the requirements of regulation 2 of the Licensing (Clubs) (Scotland) Regulations 2007?</i>	YES/NO*
<i>* Delete as appropriate</i>	

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this Application are true to the best of my knowledge and belief.

Signature ..... \* (see note below)

Date .....

Capacity ..... APPLICANT/AGENT (delete as appropriate)

Telephone number and email address of signatory .....

<i>I have enclosed the relevant documents with this application – please tick the relevant boxes</i>	
<i>Operating plan</i>	
<i>Layout plan</i>	
<i>Planning certificate</i>	
<i>Building standards certificate</i>	
<i>Food hygiene certificate</i>	

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

<b><u>For use by the Licensing Board only</u></b>	
<b>Application checklist</b>	
<b>Date received</b>	
<b>Fee amount</b>	
<b>Receipt number</b>	
<b>Received by (<i>INITIALS</i>)</b>	
<b>Consideration date</b>	
<b>Last date for consideration</b>	
<b>Date of initial hearing</b>	
<b>Date of any modification hearing</b>	
<b>Date granted/refused (delete as appropriate)</b>	

<b><u>For use by the Licensing Board only</u></b>	
<b>If application is for a premises licence</b>	
<b>Documents required</b>	
<b>Operating plan</b>	
<b>Layout plan</b>	
<b>Planning certificate</b>	
<b>Building standards certificate</b>	
<b>Food hygiene certificate</b>	

<b><u>For use by the Licensing Board only</u></b>	
<b>If application is for a provisional premises licence</b>	
<b>Documents required</b>	
<b>Provisional planning certificate</b>	
<b>Operating plan</b>	
<b>Layout plan</b>	

**ADDITIONAL MATERIAL – PREMISES LICENCE APPLICATION  
LODGED NO LATER THAN 16TH JANUARY 2009**

Is there a licence under the Licensing (Scotland) Act 1976 held in respect of the premises?

YES/NO\* (\*Delete as appropriate)

If so, do you consider the application to be a “Grandfather Rights” application (i.e. one falling within article 18 or 19 of the Licensing (Transitional and Saving Provisions) (Scotland) Order 2007)?

YES/NO\* (\*Delete as appropriate)

SPECIMEN

## OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

### **Question 1**

*STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH*

<i>1(a) Will alcohol be sold for consumption solely ON the premises?</i>	<i>YES/NO*</i>
<i>1(b) Will alcohol be sold for consumption solely OFF the premises?</i>	<i>YES/NO*</i>
<i>1(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	<i>YES/NO*</i>
<i>*Delete as appropriate</i>	

### **Question 2**

*STATEMENT OF CORE TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES*

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

**Question 3**

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>		
<i>Tuesday</i>		
<i>Wednesday</i>		
<i>Thursday</i>		
<i>Friday</i>		
<i>Saturday</i>		
<i>Sunday</i>		

**Question 4**

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	<i>YES/NO*</i>
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*\*If YES – provide details*

**Question 5**

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

<b>COL. 1</b> <i>5(a)</i> <b>Activity</b>	<b>COL. 2</b> <i>Please confirm</i> <b>YES/NO</b>	<b>COL. 3</b> <b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>COL. 4</b> <b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Accommodation</i>		N/A	N/A
<i>Conference facilities</i>			
<i>Restaurant facilities</i>			
<i>Bar meals</i>			
<i>5(b) Activity</i> <b>Social functions including:</b>	<i>Please confirm</i> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Receptions including Weddings, funerals, birthdays, retirements etc.</i>			
<i>Club or other group meetings etc.</i>			
<i>5(c)</i> <b>Activity</b> <b>Entertainment including:</b>	<i>Please confirm</i> <b>YES/NO</b>	<b>To be provided during core licensed hours – please confirm</b> <b>YES/NO</b>	<b>Where activities are also to be provided outwith core licensed hours please confirm</b> <b>YES/NO</b>
<i>Recorded music – see 5(g)</i>			
<i>Live performances – see 5(g)</i>			
<i>Dance facilities</i>			
<i>Theatre</i>			
<i>Films</i>			
<i>Gaming</i>			

<i>Indoor/outdoor sports</i>			
<i>Televised sport</i>			
<b>5(d) Activity</b>	<b><i>Please confirm YES/NO</i></b>	<b><i>To be provided during core licensed hours – please confirm YES/NO</i></b>	<b><i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i></b>
<i>Outdoor drinking facilities</i>			
<b>5(e) Activity</b>	<b><i>Please confirm YES/NO</i></b>	<b><i>To be provided during core licensed hours – please confirm YES/NO</i></b>	<b><i>Where activities are also to be provided outwith core licensed hours please confirm YES/NO</i></b>
<i>Adult entertainment</i>			

*Where you have answered YES in respect of any entry in column 4 above, please provide further details below.*

*5(f) any other activities*

*If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.*



5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	YES/NO*
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When fully occupied, are there likely to be more customers standing than seated?	YES/NO*
*Delete as appropriate	

**Question 6 (On-sales only)**

**CHILDREN AND YOUNG PERSONS**

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES/NO*
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

**Question 7**

**CAPACITY OF PREMISES**

What is the proposed capacity of the premises to which this application relates?

**Question 8**

**PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)**

Personal details

8(a) Name

8(b) Date of birth

8(c) Contact address

--

8(d) Email address

--

8(e) Personal licence

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>

**DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT**

**If signing on behalf of the applicant please state in what capacity.**

The contents of this operating plan are true to the best of my knowledge and belief.

Signature ..... \* (see note below)

Date .....

Capacity ..... APPLICANT/AGENT (delete as appropriate).

Telephone number and email address of signatory .....

**\* Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

## LAYOUT PLAN

- (1) A layout plan is to be drawn—
  - (a) in a scale where 1 millimetre represents 100 millimetres; or
  - (b) in such other scale as may be agreed between the person submitting the plan and the Licensing Board to which it is to be submitted.
- (2) A layout plan—
  - (a) is to show the matters specified in paragraph (3);
  - (b) is to show the matters specified in paragraph (4) in the case of premises to be licensed for the sale of alcohol for consumption on the premises;
  - (c) is to show the matters specified in paragraph (5) in the case of premises to be licensed for the sale of alcohol for consumption off the premises; and
  - (d) may include a legend through which the matters mentioned or referred to in those paragraphs are sufficiently illustrated by the use of symbols on the plan.
- (3) The matters specified in this paragraph are—
  - (a) the extent and dimensions of the boundary of the building, if relevant, and any external and internal walls of the building and, if different, the perimeter and dimensions of the premises to be licensed (including outside drinking areas);
  - (b) the location and names of any streets surrounding the premises from which members of the public have access to the premises;
  - (c) the location and width of each point of access to and egress from the premises;
  - (d) the location and width of any other escape routes from the premises;
  - (e) the location of any equipment used for the detection or warning of fire or smoke or for fighting fires;
  - (f) the location of any steps, stairs, elevators or lifts on the premises;
  - (g) the location of any toilets on the premises (identified as male, female or disabled as appropriate);
  - (h) any area on the premises set aside specifically for the use of children and young persons; and
  - (i) any area on the premises to which children and young persons will have access.
- (4) The matters specified in this paragraph are the use or uses to which each part of the premises will be put (under reference to the activities identified in the operating plan).
- (5) The matters specified in this paragraph are—
  - (a) the location of the area or areas to be used for the display of alcohol;
  - (b) the maximum width and height (in metres) of the frontage to be used for the display of alcohol within that area or those areas; and
  - (c) the maximum linear measurement (in metres) of any displays of alcohol outside the frontage referred to in head (b).

# **SPECIMEN PERSONAL LICENCE APPLICATION FORM**

## **EXTRACT FROM THE PERSONAL LICENCE (SCOTLAND) REGULATIONS 2007 (SSI 2007/77)**

### **Application for a personal licence**

**2.**—(1) A personal licence application or a personal licence renewal application is to be—

- (a) in the form set out in Schedule 2; and
- (b) accompanied by—
  - (i) evidence that the applicant possesses a licensing qualification; and
  - (ii) two photographs of the applicant which comply with paragraph (2) and one of which has a statement on it in accordance with paragraph (3).

(2) The two photographs of the applicant must—

- (a) measure 45 millimetres by 35 millimetres;
- (b) be on photographic paper;
- (c) be taken against a light background; and
- (d) show the full face of the applicant, without the applicant wearing sunglasses or any head covering (unless the applicant wears such a covering on account of a religious belief).

(3) One photograph of the applicant must have on the back of it a statement by a person appearing to the Licensing Board to be a person of standing in the community, with the words “I certify that this is a true likeness of (*name of applicant*)”, followed by the full name of the person endorsing the photograph.

**3.** A personal licence application or a personal licence renewal application must be made in writing or, if the Licensing Board to which the application is made so agrees, by electronic transmission.

## SCHEDULE 2

*[Insert name and address of relevant Licensing Board]*

### Application for a personal licence

#### FIRST APPLICATION/RENEWAL APPLICATION (delete as appropriate)

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written or typed in black ink. Use additional sheets, if necessary. You may wish to keep a copy of the completed form for your records.

<b>1. Your personal details. If relevant please enter details of any previous names or maiden names. Please continue on a separate sheet if necessary. Read note 1</b>	
<b>TITLE</b> (delete as appropriate): Mr Mrs Miss Ms Other (please state)	
Surname	
Forenames	
Date and Place of Birth	
NI Number	
<b>ADDRESS WHERE ORDINARILY RESIDENT</b> (We will use this address to correspond with you unless you complete the separate correspondence box below)	
<b>Post town</b>	<b>Post code</b>
<b>TELEPHONE NUMBERS</b>	
Daytime	
Evening	
Mobile	
<b>FAX NUMBER</b>	
<b>E-mail address</b> (if you would prefer us to correspond with you by e-mail)	
<b>Address for correspondence associated with this application</b> (if different to the address above)	
<b>Post town</b>	<b>Post code</b>

<b>2. Your licensing qualification</b>		
<b>Read note 2</b>	<b>Please tick</b>	
I hold an accredited qualification	<b>Yes</b>	<b>No</b>
If you have ticked yes please provide a copy of your qualification with your application.		

<b>3. FIRST APPLICATIONS ONLY</b>		
<b>This section should only be completed if you are submitting your first application to this Licensing Board. If answering Yes to any question please provide details below.</b>		
<b>Note: You may only hold one personal licence at a time</b>		<b>Please tick</b>
Do you currently hold a personal licence?		<b>Yes</b> <b>No</b>
Do you currently have any outstanding applications for a personal licence, with this or any other Licensing Board?		<b>Yes</b> <b>No</b>
Has any personal licence held by you been forfeited in the last 5 years?		<b>Yes</b> <b>No</b>
Licensing Board		
Licence number		
Date of issue		
Date of expiry		
Any further details		

<b>4. RENEWAL ONLY</b>	
<b>This section should be completed only if you are applying for a renewal of your existing licence</b>	
Your personal licence must accompany your application for a renewal. If you are unable to send your personal licence, you must explain why you cannot do so in the box provided below	
<b>Details of current personal licence</b>	
Licensing Board	
Licence number	
Date of issue	
Date of expiry	
Any further details	
If you cannot provide your personal licence, provide a statement explaining why	



<b>Other personal licence</b>		
<b>Note: You may only hold one personal licence at a time</b>		<b>Please tick</b>
I confirm that I do not hold any other personal licences other than the one submitted for renewal	Yes	No
<b>5. CHECKLIST</b>		
<b>I have</b>		<b>Please tick yes</b>
<ul style="list-style-type: none"> <li>Enclosed two photographs of myself, one of which is endorsed as a true likeness of me by a person of standing in the community. Read note 3.</li> </ul>		
<ul style="list-style-type: none"> <li>Enclosed a copy of any licensing qualification I hold</li> </ul>		
<ul style="list-style-type: none"> <li>Enclosed my current personal licence (renewal only)</li> </ul>		
<ul style="list-style-type: none"> <li>Made or enclosed payment of the fee for the application</li> </ul>		

<b>6. Previous Convictions</b>
You must provide details below of any conviction for a relevant or foreign offence that is not considered spent under the Rehabilitation of Offenders Act 1974. Please continue on a separate sheet if necessary. If you are declaring that you have no such convictions please write "none". Read note 4

Offence	Court	Date	Penalty

<b>7. Declaration</b>			
<b>The contents of this application are true to the best of my knowledge and belief</b>			
SIGNATURE – read note 5		DATE	

## NOTES

Information on the Licensing (Scotland) Act 2005 is available on the website of the Scottish Parliament (<http://www.opsi.gov.uk/legislation/scotland/acts2005/20050016.htm>)

### 1. Change of name or address

Section 88 of the Licensing (Scotland) Act 2005 requires that a personal licence holder must, no later than one month after any change in the licence holder's name or address, give the Licensing Board which issued the licence notice of the change. It is an offence not to do so.

### 2. Licensing qualifications

Licensing qualifications are dealt with in section 91 of the Licensing (Scotland) Act 2005. In summary, to be eligible for a personal licence, an applicant must be aged 18 or over and possess a licensing qualification, and no personal licence previously held by the applicant must have been revoked within the period of 5 years ending with the day on which the application was received by the Licensing Board.

### 3. Photographs

One of the photographs submitted with your application should be endorsed on the back. This endorsement should, contain the words "I certify that this is a true likeness of (name of applicant)", followed by the full name of the person endorsing the photograph.

### 4. Convictions

Section 75 of the Act places a duty on an applicant for a personal licence to notify the Licensing Board if he or she has been convicted of any relevant or foreign offence during the time between making the application and the application being determined by the Licensing Board. Furthermore, section 82 of the Act requires personal licence holders to notify their Licensing Board of any convictions for relevant or foreign offences within one month of the licence holder being convicted.

### 5. Data Protection Act 1988

The information on this form may be held on an electronic public register which may be available to members of the public on request.

## **CONTACTS / FURTHER INFORMATION**

If you have any queries about your application, please speak to your Licensing Board, which should be able to help.

Also, have a look at the following website, which has been created to support this briefing pack on the Licensing (Scotland) Act 2005. You will also find a pdf of this pack on the website for downloading, should you require additional specimen application forms to practice on:

[www.infoscotland.com/licensingact](http://www.infoscotland.com/licensingact)

**Another useful link:**

<http://www.sqa.org.uk/accreditation>

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**This document is also available on the Licensing (Scotland) Act 2005 website:  
[www.infoscotland.com/licensingact](http://www.infoscotland.com/licensingact)**

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